

REMARKS

This Amendment is responsive to the Office Action dated November 4, 2003.

The drawings were objected to under 37 CFR §1.83(a). Reconsideration and withdrawal of the objection to the drawings is respectfully requested.

The first and second gaskets are shown in Fig. 1 at reference numerals 10 and 11, respectively.

Claim 18 has been amended to recite that the "upper surface of the lipped gasket defining a convex appearance", as detailed in the specification in the paragraph bridging pages 11 and 12, and as specifically shown in Fig. 5 at reference numeral 40. In view of the foregoing, it is believed that the objection to the drawings under Rule 83(a) has been overcome.

At the outset, the Examiner will note that the independent claims have been amended so as to recite that the band of the bracelet is flat and flexible. The independent claims already recite that the bracelet (of which the band is part) is "open and deformable". The band, also called a "leaf band" on page 4, line 10 of the substitute specification, is shown in Figs. 1, 3 and 4 as being a flat and flexible (it is flat as shown in Fig. 3 and flexible as shown in Fig. 1, allowing it to encircle the pipe 2A) strip of non-corrodible material. As stated in the substitute specification, page 5, line 5) the bracelet may include "a band of non-corrodible material that may be sectioned to a length suitable to encircle the pipe. The non-corrodible bands may be coated with an inert material such as a composition having a powdered epoxy base. The bands of the bracelet may also be made of plastic material". The flat nature of the band is shown in Figs. 1, 3 and 4, and the flexible nature thereof is best shown in Figs. 1 and 4 and corresponding description. Moreover, Webster's Third New International Dictionary of the English Language,

Unabridged, Merriam-Webster, Inc. © 1993 at page 170, defines the term "band" as follows:

band \bänd\ -ba(d)·\ n *-s* [*l*atin *banda*, *bonda*, *ir.* *binda*, *binda*; akin to OE *bind* fetter, OHG *bant*, Goth *bandi*, Skt *bandha* fetter, OE *bindan* to bind — more at *BIND*] 1 : something that confines or constricts while allowing or imparting a limited or necessary degree of movement: a (1) *archaic* : something used to make fast the body or limbs (as a fetter, manacle, shackle) (2) *obs* : a leading string: *TETHER* b *obj* : a hinge of a gate or door; *esp* : *STRAP HINGE* 2 : something that binds or restrains by legal, moral, or spiritual authority: as a : a restraining obligation or tie affecting one's relations to another, to others, or to a tradition, concept, or condition {two New Jersey sculptors of the same period who helped break the ~s of neoclassic traditions —*Amer. Guide Series: N.J.*} b *archaic* (1) : a formal promise or guarantee: *BOND* (2) : a pledge given: *SECURITY, SURETY* 3 [partly fr. ME *bande* strip, fr. MF *bande*, *bande*] : a strip serving to join, hold together, or integrate two or more things: as a : a string or tie (as of hay, straw, rushes) used to bind stalks into a sheaf or bundle b : *BELT* 2 c : the endless loop of cotton cord on a spinning frame or twister that is used as a belt to drive individual spindles — called also *spinning band* d : a cord or strip which crosses the backbone of a book and to which the sections are sewn e : a window came f : a metallic hoop or sleeve used to hold the barrel and stock of a gun together — called also *barrel band* g : a printed strip used as a label {a large collection of cigar ~s} 4 [ME *bande* strip, fr. MF *bande*, *bande*, fr. (assumed) VL *binda*, of Gmc origin; akin to OHG *binta* fillet; skin to OHG *bintan* to bind — more at *BIND*] : a thin flat encircling strip, strap, or flat belt of material serving chiefly to bind or contain something: as a : a close-fitting strip that confines material at the waist, neck, or cuff of clothing; *specif*: *HATBAND* b (1) *obs* : a strip of cloth for swathing the body: *BANDAGE* (2) : a strip of cloth used to protect a newborn baby's navel — called also *bellyband* c : a ring or endless strip of elastic (as for holding or compressing wrapping or keeping small objects together) d : a strengthening piece of canvas sewed across a sail (as at the eyelet holes used in reefing) e : a container without a bottom and usu. of wood-veneer or treated paper in which plants are grown individually prior to transplanting or benching — called

Therefore, it is believed that the amendments to the independent claims made herewith are both supported by both the written portion of the specification and the drawings, as well as in conformity with the common usage and understanding of the word.

Claims 12-17, 22 and 31-35 were rejected as being anticipated by Hearne, US patent 534,881. Reconsideration and withdrawal of these rejections are respectfully requested.

As the Office will note, each of the pending independent claims has been amended to recite the thin and flexible nature of the recited band. In contrast, Hearne shows a chain having links. Hearne's chain is neither flat or flexible, as required by the amended claims. The linked nature of the chain links enables the chain to encircle pipes, but neither the chain itself nor any element thereof may be properly termed "flexible". The chain 18 encircles the pipe B to be

tapped: "...the hooks being adapted to receive links of a chain 18, after said chain has been passed around the pipe B to be tapped" Col. 2, lines 62-65. The Hearne reference does not teach an open and deformable bracelet having a "thin and flexible band", as required by the independent claims. Instead, Hearne discloses the use of a linked chain, and such linked chains may crush or otherwise damage pipes of small diameters. On the other hand, the thin flexible band of the recited deformable bracelet uniformly spreads the force over the outer surface of the pipe - and is ideally suited to pipes of any diameter, from the very large to the very small.

As the Hearne reference does not teach the claimed subject matter, reconsideration and withdrawal of the 35 USC §102(b) rejection of the above-listed claims are respectfully requested.

Claims 12-14, 16, 23-28 and 31-35 were rejected as being anticipated by Payne, US patent 351,397. Reconsideration and withdrawal of these rejections are respectfully requested.

As shown, Payne also relies upon linked chains, shown in Figs. 1 and 2 at reference C2. Payne does not teach or suggest an open and deformable bracelet having a "thin and flexible band", as required by the independent claims. Therefore, Payne suffers from the same disadvantages identified relative to Hearne above, the discussion of which is incorporated herein by reference. As Payne discloses only a linked chain encircling the pipe and not the open and deformable bracelet having a "thin and flexible band" recited in the independent claims, reconsideration and withdrawal of the 35 USC §102(b) rejections are believed to be warranted. The same is, therefore, respectfully requested.

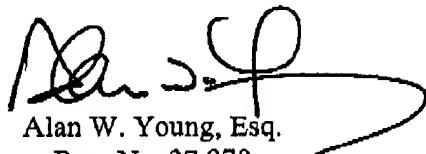
The present amendment is believed to be properly enterable after final rejection for the following reasons. At the outset, the present amendment places this case in condition for allowance, as the cited references are not believed to teach or to suggest the recited structure of the independent claims, as developed above. Moreover, the nature of the amendments to the

independent claims of the present application is such that no further search is required. Indeed, the originally filed and fully searched claims included recitations drawn to the bracelet and its band 4, and the present amendment only defines the structure of the band 4 in more precise and unambiguous terms - and in accordance with the written portion of the specification and the drawings. Of course, the Examiner may wish to perform an updated search prior to allowing this application. However, such a search is not necessitated by the nature of the amendments to the independent claims presented herewith. The present application is also allowable without undue additional consideration, as the Examiner has already considered the issue of the open and deformable bracelet that includes a band. By incorporating recitations in the independent claims that clearly distinguish the structure of the band from the chain-links shown in the applied references, the applicant believes that each of the applied rejections have been overcome in a manner that enables the application to be allowed without further search and/or consideration. Indeed, any further consideration that might be required is believed to be *de minimis*, as the present amendment is believed to place this application in condition for allowance without consideration of any new issues and/or subject matter. Therefore, the amendments to the independent claims are believed to be such as to merit allowance of this application without requiring the applicant to expend additional fees to refile and re-prosecute this application.

It is believed, therefore, that the present application is now in condition for allowance and an early passage to issue. In the event that there remains any questions relating to this response or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions and whatever is needed will be done immediately.

Respectfully submitted,

YOUNG LAW FIRM, P.C.



Alan W. Young, Esq.

Reg. No. 37,970

4370 Alpine Road, Suite 106

Portola Valley CA 94028

Tel: (650) 851-7210

Fax: (650) 851-7232

Date: January 29, 2004